

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA(1) Andrew Allam Sr. JX-9070:

(Name of Plaintiff) (Inmate Number)

1 Kelley Drive
Capt Township PA 17866

(Address)

(2) _____
(Name of Plaintiff) (Inmate Number)

(Address)

(Each named party must be numbered,
and all names must be printed or typed)

(Case Number)

CIVIL COMPLAINT

(1) McGinley vs. Superintendent, SCI Capt(2) Security, SCI Capt(3) _____
(Names of Defendants)(Each named party must be numbered,
and all names must be printed or typed)FILED
HARRISBURG, PA

JUN 09 2020

PER

DEPUTY CLERK

TO BE FILED UNDER: X 42 U.S.C. § 1983 - STATE OFFICIALS

_____ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

No. 02131-2019 Judge Swab, I mispleaded the
other Docket No's

June 1, 2020

History

Subject - Safety

Plaintiff on December 2019 was on C block Side A in Cell 20 with inmate (prejean) during that time I was having issues with him, Plaintiff talked to staff C.O.'s on several occasions, Unit manager fisher told me to move into the front Dorm, while knowing A Current Sex offender who was already in the dorm having problems. I said no I'm not moving because I'm a Sex offender, I asked to talk to A Lt and was told no, I asked to take P.C. protective Custody was told there is no P.C. here at Coal township. the C.O. said the only way is to refuse to lock in and get a class 1 write up.

So Plaintiff asked to go to POC, instead Sgt McKinney had me taken to RHU and wrote me up. 14 days later I was released from RHU and placed on EB block on the westside of the jail at 3pm on December 31, 2019, As I walked onto the block I saw Lt. McGlocklin, I told him that I should not have been put on the westside, he asked me why not.

I told him prior to Decemberth on Sept. 6, 2019, Monday, while at lunch. Another inmate told me that there were (2) people in my Cell, I went back to E block, immediately I was threatened by several Spanish inmates, that they would cut me & my Celly for ~~snitch~~ snitching, I also was told they were gang members by staff. So then the Counselor Mr. Tasker had locked himself, me & my Celly in his office during Count, also at that time several Security officers and Lieutenants had removed those (2) inmates that got locked in a cell,

my Celly and me were told that we were being moved to the east side of the jail by Security. After Plaintiff had told Lt. McGlothin, he told plaintiff "just keep your door locked", this was about 3:20 pm, after dinner I had talked to the C.O. he told me as other staff did there's no P.C. here at Coal twp. if you want P.C. you have to refuse to lock in you will get a class I write up.

After dayroom at 8:30 pm, I talked to Sgt. Calhoun, I told him what the C.O. told me, the Sgt had confirmed it.

I told the Sgt As I did the C.O. that I was threatened when I got on the block (E block) that day 12-31-19, and during dinner the Sgt said all you can do is refuse to lock in, that's how you can keep yourself safe, but you will get a Class 1 write up. I said to Sgt Calhoun, "So I have to refuse to lock in, get a write up and get sentenced to time in the RTH, all because this jail (Cool Trip) doesn't have P.C. he said yes. So I refused to lock in as instructed by the Sgt and C.O. on EB I went to RTH @ 9:20 pm. While in RTH I had wrote this Cart, then I was seen by Lt. Drucus from Security on Monday @ 9:20 pm, I was released on Jan 14, 2020 and put on C block - B side, in the front Dorm. After a few days I was threatened to be stabbed by an inmate in the dorm I had told Sgt Early and unit manager Thomas Williams. Mr. Williams said find someone on A-Side that you can live with, there was only (1) bed open in Cell 14, Mr Williams placed me in Cell 14 with inmate Heisey.

I was put in that cell on or about February 2, 2020, until April 24, 2020, during that time I had done legal work for Heisey he had offered to pay me, So I asked a few days later about payment on April 24, 2020. I was taken to medical where I was met by Lt. Neitz, at which time he told me that my Celly (Heisey) had filed a PREA Complaint on me during the discussion Lt. Neitz said if you want to go back to C-A 14 I'll move Heisey. I spent 15 days ~~in~~ in RTHU on AC status, then I get released and was told I was going to D-block that Security has me as West side only, I told them in RTHU that I was east side only because of the gang related incident on E block and other threats because I'm a Sex offender. I got to D-block on about May 8, 2020, Since then I talked to several staff about getting moved back to the east side, I told them that Lt Neitz said if I wanted to go back to C-A-14 that he would move Heisey, I also told them that I was again being threatened because of my offenses.

Staff failed to cure the issue, I told them about the gang incident on E-block in Sept 2019. I wrote Security several times I got no response. I spoke to Physc they offered no help at all, I requested a 2-Code (to be in a Single Cell) they stated my reasons don't justify a 2-Code. I said it's a safety issue but they disagree. I told the staff that their job is my safety, ~~they~~ said that they can't do anything until something happens. I said so I have to get Assaulted or stabbed before you will do something they said yes. Major fields said the same thing to me when she talked to me while on E block. Currently I have spoke to numerous staff no one is doing anything to help. Here I sit on Janel, 2020 on the west side being threaten again and staff doing nothing to ensure my safety except telling me, that I can refuse to lock in and go to RTU with a class 1 writeup.

Plaintiff fears for his safety,
 1.) because of his offenses and
 2.) the prior Gang incidents on E-block.

I had asked to be placed on J-A on the lower Campand, nothing was done, I asked for a 2-Code so I know when I'm locked in a cell that there will not be a problem. Staff are ignoring my safety. this constitutes negligence, DOC is failing to act. it takes little or no effect

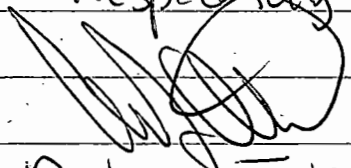
- 1.) to place me on the lower Campand on JA
- 2.) to place me back on C-A or
- 3.) because of my safety concerns issue me a 2-Code.

Plaintiff asserts he has a Constitutional right to be safe, Cal Typ should have a policy (like Camphill SCT) that a inmate can invoke Protective Custody to ensure his safety until staff can act on the safety issue and not to be subjected to a class 2 write up but currently there is no policy, so for a inmate to be safe he has to refuse to lock in, get a write up and receive Rtu time.

Plaintiff asks this Court to order Cal typ to enact a P.C. policy, also free of any write up or punishment. Plaintiff is now afraid that the jail will retaliate and transfer me to a bad jail and put me in further danger. Plaintiff is requesting an injunction.

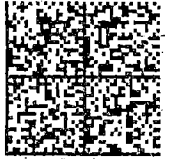
Plaintiff asserts that his 12-19-19 and 12-31-19 both class one write ups should be vacated, because I had to refuse to lock in, in order to be safe. And I Can't get a promotional transfer with both those writeups. Plaintiff has no writeups for fighting nor drugs etc. nothing, I have had the same job in the Kitchen Since 2016. thus I'm asking this Court to rectify this issues, or instruct the jail to allow me to have a promotional transfer. If this Court needs to talk to plaintiff, I'd prefer A Video Conference.

6-1-2020

Respectfully Submitted

 Andrew J. Allam Sr.
 Plaintiff Pro se

Petitioner might be in RHU for failing to lock in, to ensure his safety.

INMATE MAIL
PA DEPT OF
CORRECTIONS



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RECEIVED
HARRISBURG, PA
JUN 09 2020
PER *M* DEPUTY CLERK

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USIS X-RAY